

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant (s): Donald A. Tomalia and Baohua Huang

Serial No.: 10/565,478

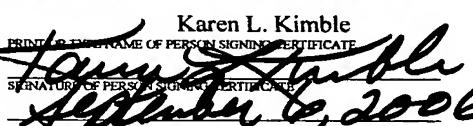
Filed: 20 January 2006

Examiner: Alain L. Bashore

Group Art Unit: 1762

Attorney Ref.: DNT-3 US

For: STABILIZED AND CHEMICALLY FUNCTIONALIZED NANOPARTICLES

Express Mail mailing Label No.	<u>EQ 399593764 US</u>
Date:	<u>September 6, 2006</u>
I hereby certify that this paper or fee is being deposited with the United States Postal service "Express Mail to Post Office Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231	
Karen L. Kimble	
PRINTED NAME OF PERSON SIGNING CERTIFICATE	
SIGNATURE OF PERSON SIGNING CERTIFICATE	
DATE OF SIGNATURE	<u>September 6, 2006</u>

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

This is a Response to Notice of Non-Compliant Amendment mailed August 8, 2006 and to which a response is required by September 8, 2006.

On January 20, 2006 a Preliminary Amendment was filed concurrently with a National Phase entry into the United States under 35 USC 371, which amendment was deemed non-compliant. This Response is to provide that prior documents with other amendments in the proper form.

In order to indicate priority for this US national phase application, Applicants request that the Cross Reference for Related Applications be inserted as shown below.

Additionally, Applicants now also wish to insert the reference to Federal funding as inserted below, which was inadvertently omitted earlier.

**US Serial No. 10/565,478
Filed 20 January 2006
US National Phase from PCT**

**Additionally, Applicants are addressing Examiner Tim Meeks' remarks in his
Notification of Transmittal of International Preliminary Report on Patentability mailed
21 June 2005.**

IAP7 Rec'd PCT/PTO 06 SEP 2006

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0651-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371			ATTORNEY'S DOCKET NUMBER <u>DNT-3 US</u>
INTERNATIONAL APPLICATION NO. <u>PCT/US2004/023483</u>		INTERNATIONAL FILING DATE <u>21 July 2004</u>	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <u>101565428</u>
			PRIORITY DATE CLAIMED <u>21 July 2003</u>
TITLE OF INVENTION <u>STABILIZED AND CHEMICALLY FUNCTIONALIZED PARTICLES</u>			
APPLICANT(S) FOR DO/EO/US <u>TONALIA Donald A. and HUANG, Boa hua</u>			
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:			
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input checked="" type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <i>previously submitted</i></p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>			
Items 11 to 20 below concern document(s) or information included:			
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. <i>previously submitted</i></p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment. <i>recorded</i></p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. <i>previously submitted</i></p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter. <i>previously submitted</i></p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>			

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <i>10/565,478</i>	INTERNATIONAL APPLICATION NO. <i>PCT/US2004/023483</i>	ATTORNEY'S DOCKET NUMBER <i>DNT-3 US</i>
20. Other items or information: <i>Response to Notice of Non-Compliance with Amendments to specification.</i>		
The following fees have been submitted		
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300		
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c))		
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 All other situations..... \$200		
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400 All other situations..... \$500		
TOTAL OF 21, 22 and 23 =		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)
- 100 =	/50 =	x \$250
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).		
CLAIMS	NUMBER FILED	NUMBER EXTRA
Total claims	- 20 =	x \$ 50
Independent claims	- 3 =	x \$200
MULTIPLE DEPENDENT CLAIM(S) (if applicable)		+ \$360
TOTAL OF ABOVE CALCULATIONS =		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.		
SUBTOTAL =		
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)). +		
TOTAL NATIONAL FEE =		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +		
TOTAL FEES ENCLOSED =		
		Amount to be refunded: \$
		Amount to be charged \$

- a. A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. 503384 in the amount of \$ 100⁰⁰ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 503384. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Laura L. Kimble
SIGNATURE
Karen L. Kimble
NAME
26-995
REGISTRATION NUMBER